

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JAMES L. EWING                                 §  
VS.   §          CIVIL ACTION NO. 1:04cv414  
JOHN CARPENTER, ET AL.                     §

MEMORANDUM   OPINION

Plaintiff James L. Ewing, an inmate confined at the Jefferson County Jail, proceeding *pro se*, brings this lawsuit against John Carpenter, John Holland, John Brusard, John Flanagan, Rhonda Sowell, Mike Pieper, Lieutenant Dotson, Chief Duhon, Chief Miller, Major Theriot, and Mitch Woods.

## Discussion

On April 2, 2007, mail sent to plaintiff was returned to the court with the notation: "RTS, released or no longer at facility." Plaintiff has failed to provide the court with a current address at which he may receive his mail.

Fed. R. Civ. P. 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*, 617 F.2d 1164, 1167 (5th Cir. 1980); quoting *Link v. Wabash*, 370 U.S. 626 (1962). See also *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the Court and appellate review is confined

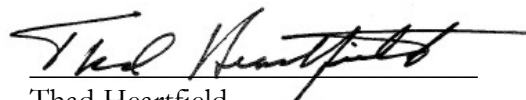
solely in whether the Court's discretion was abused. *Green v. Forney Engineering Co.*, 589 F.2d 243 (5th Cir. 1979); *Lopez v. Aransas County Independent School District*, 570 F.2d 541 (5th Cir. 1978).

By failing to provide the court with a current address, plaintiff has prohibited the court from communicating with him. Therefore, plaintiff has failed to diligently prosecute this case. Accordingly, this case should be dismissed for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

Conclusion

For the reasons set forth above, this action should be dismissed. A final judgment so providing shall be entered this date. Plaintiff may reinstate the above-styled action on the court's active docket by notifying the court of his intention to pursue his claims and filing a change of address within thirty (30) days from the date of this order.

**SIGNED** this the **5** day of **April, 2007**.

  
Thad Heartfield  
United States District Judge